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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,713	09/18/2001	Jeffery A. Morgan	2574	1012

7590

09/17/2002

The Hoover Company
101 East Maple Street
North Canton, OH 44720

EXAMINER

SNIDER, THERESA T

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/955,713	Applicant(s) MORGAN ET AL. AB	
	Examiner Theresa T. Snider	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 01 March 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

- ✓ reference character "42" has been used to designate both 'handle assembly' (page 9, line 2) and 'base assembly' (page 9, line 17);
- ✓ reference character "179" has been used to designate both 'leg' (page 16, line 25 and page 17, line 5) and 'spring' (page 16, line 25 and page 17, line 5);
- ✓ reference character "224A" has been used to designate both 'axial shaft' (page 19, line 2) and 'outer brush' (page 19, line 6);
- ✓ reference character "224B" has been used to designate both 'axial shaft' (page 19, line 5) and 'gear brush' (page 19, line 5);

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 145 (page 13, line 23), 151 (page 13, line 24), 187 (page 16, line 20), 202 (page 18, line 15), 52 (page 18, line 17 NOT in 2C), 233 (page 19, line 14), 239 (page 20, line 6), 264 (page 22, line 3), 294 (page 23, line 18), 602 (page 28, line 5), 573 (page 28, line 18), 583 (page 30, line 12), 646 (page 32, line 7), 658 (page 32, line 9), 465 (page 39, line 14), 744 (page 42, line 25), 868 (page 48, line 17), 906 (page 51, line 10), 912 (page 51, line 15), 822 (page 51, line 18) and 917 (page 51, line 22). A proposed drawing correction or corrected drawings are required in reply to the Office action to

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avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 139 (figure 2A), 474 (figure 29) and 919 (figure 38). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
✓ reference characters "158" (page 15, line 12) and "148" (page 15, line 12) have both been used to designate 'rotor';
✓ reference characters "744" (page 42, line 25) and "742" (page 43, line 2) have both been used to designate 'cap';

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because 636 (figure 27) does not have a lead line, 330 (figure 29A) does not have a lead line and figure 34A has 2-830s. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 11, line 14, 'A spacer' should be replaced with 'The spacer';

Line 20, 'a' should be deleted;

Line 23, 'the spacer' should be replaced with 'a spacer'.

Page 12, line 21, 'the top' should be replaced with 'top'.

Page 17, line 10, 'of' should be inserted after '181'.

Page 18, line 22, 'a' should be deleted.

Page 20, line 10, 'a brush' should be replaced with 'brush';

Line 23, 'brush cup' should be replaced with 'center cups'.

Page 26, line 2, 'press' should be replaced with 'pressed'.

Page 28, line 7, '555' should be moved to after 'portion'.

Page 33, line 18, 'The switch' should be replaced with 'A switch'.

Page 34, line 1, 'energize' should be replaced with 'energized';

Lines 7 and 13, 'the' should be replaced with 'a'.

Page 37, line 1, 'a' should be deleted.

Page 39, line 12, 'a' should be deleted.

Page 46, line 17, 'A' should be replaced with 'The'.

Page 47, line 14, 'a' should be deleted.

Page 48, lines 11 and 12, 'plate' should be inserted after 'distributor';

Line 14, '216' should be replaced with '816'.

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✓ Page 49, line 10, '181R' should be replaced with '818R';

✓ Line 18, 'ram' should be replaced with 'ramp'.

✓ Page 50, line 17, 'a notch' should be replaced with 'notch'.

✓ Page 52, line 3, 'the frame' should be replaced with 'a frame'.

Appropriate correction is required.

7. ✓ The abstract of the disclosure is objected to because of the inclusion of legal phraseology; line 2, 'comprises'. Line 1, 'improved' should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

✓ Claims 1, 8 and 14, line 1, 'improved' should be deleted;

✓ Line 1, claims set forth a 'cleaning' device however fail to provide any means for cleaning;

✓ Claim 1, line 7, does the latch also 'detach' the assembly?

✓ Claim 8, line 8, it is unclear as to what is meant by 'sliding translationally'.

✓ Claim 10, line 4, 'said channel' lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nielsen.

Nielsen discloses a base for movement along a surface (fig. 1, #10,12).

Nielsen discloses a channel formed in the base (fig. 3, #14a).

Nielsen discloses a nozzle assembly removably attached to the base by a slide latch that engages the channel (col. 2, lines 79-95).

11. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Forren.

Forren discloses a base for movement along a surface (fig. 1, #12).

Forren discloses a nozzle assembly removably attached to the base by a slide latch that engages a channel of the base (col. 2, lines 54-67 col. 3, lines 44-50).

12. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Foisy.

Foisy discloses a base for movement along a surface (fig. 1, #23).

Foisy discloses a nozzle assembly removably attached to the base by a slide latch that engages a channel of the base (fig. 3, #31,18, col. 4, lines 7-34).

13. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dick et al..

Dick et al. discloses a base for movement along a surface (fig. 1, #12).

Dick et al. discloses a nozzle assembly removably attached to the base by a slide latch that engages a channel of the base (col. 4, lines 27-36 and 44-55).

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Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dick et al. as applied to claim 1 above, and further in view of Mache.

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Dick et al. discloses a similar device however fails to disclose the nozzle assembly including a squeegee attached thereto.

Mache discloses a nozzle assembly having a squeegee attached thereto (fig. 3, 35). It would have been obvious to one of ordinary skill in the art to provide the squeegee of Mache in Dick et al. to allow for effective use with fluids.

Allowable Subject Matter

18. Claims 3-7, 9-13 and 15-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

19. Claims 8 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

20. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a base for movement along a surface and a nozzle assembly removably attached to the base by a slide latch that engages a channel of the base HOWEVER fails to disclose or fairly suggest the base including a cam member wherein the slide latch cams against the cam member to guide the nozzle assembly against the base to form a close fit to the base when the latch engages the channel to attach the nozzle assembly OR a rib on the base and the slide latch including a hook that engages the rib to secure the nozzle assembly to the base upon sliding of the latch through the channel.

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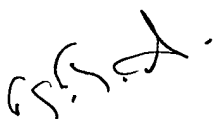
Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MacFarland, Dobric, Hetherington, Kosten et al., Clements, Carlstedt, Belicka et al., Boyer and Mason disclose floor cleaning devices having removable nozzle assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Theresa T. Snider
Examiner
Art Unit 1744

TTS
September 16, 2002